

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Vivian Alberts  
App. No : 10/568,227  
Filed : May 17, 2006  
For : METHOD FOR THE PREPARATION  
OF GROUP IB-III A-VIA  
QUATERNARY OR HIGHER ALLOY  
SEMICONDUCTOR FILMS  
Examiner : Singal, Ankush K  
Art Unit : 2895  
Conf No. : 6275

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November 6, 2008

(Date)



David K. Buckingham, Reg. No. 60,695

## RESPONSE TO RESTRICTION REQUIREMENT

**Mail Stop Amendment**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Dear Sir:

The present paper is submitted in response to the Office Action electronically delivered on October 7, 2008. Claims 1-94 are currently pending.

In the Office Action the Examiner required restriction of prosecution to one of seven identified Species.

Applicant notes that the Examiner did not consider Claims 72-94 in the Restriction Requirement.

In addition, Applicant does not agree with the Examiner's characterization of the species. The Examiner incorrectly paraphrases the language of various claims when describing Species I-VII. For example, the Examiner characterizes Species IV (Claims 44-57) to "include[s] heat treating the first film of step (ii) to form a group IB-III A.sub.1-III A.sub.2-VIA.sub.1 quaternary alloy semiconductor film." However, Claims 44-57 do not recite the term "a group IB-III A1-

IIIA<sub>2</sub>-VIA<sub>1</sub> alloy". Claim 44 recites "heat treating the first film of step (ii) to form a group IB-IIIA-VIA quaternary alloy semiconductor film." Claim 1 recites "heat treating the second film of step ((iii)) to form a group IB-IIIA-VIA quaternary or higher alloy semiconductor film." In view of the Examiner's characterization of Species IV, Applicant respectfully submits that Species I and IV should be examined together. Applicant also notes that Claim 44 is generic to Species IV-VII and Claims 72-94 and that Claims 45-94 depend from Claim 44.

Further, Applicant notes that Claim 1 is currently generic to Species I-III (Claims 1-43). Thus, inclusion of Claims 25-43 in the examined Species would provide little if any additional search burden.

As a proper search for art related to Species I-VII would necessarily include searching in the same class, would not require a different field of search, and thus would not present a serious search and examination burden, Applicant asks the Examiner to reconsider this matter and withdraw the restriction requirement between the species.

Nevertheless, in order to be responsive to the Restriction Requirement, Applicant elects the claims of Species I for further examination, with traverse. Applicant notes that Claim 1 is currently generic to Claims 2-43. Upon allowance of a generic claim, Applicant requests reinstatement of any relevant claims that have been withdrawn.

Applicant reserves the right to file one or more divisional applications directed to the non-elected claims.

*No Disclaimers or Disavowals*

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not

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reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Co-Pending Applications of Assignee

Applicant wishes to draw the Examiner's attention to the following co-pending applications of the present application's assignee.

Serial Number	Title	Filed
10/568,229	Group I-III-VI Quaternary or Higher Alloy Semiconductor Films	February 14, 2006

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 6, 2008

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